



IN REPLY REFER TO:

United States Department of the Interior

National Park Service
Badlands National Park
P.O. Box 6
25216 Ben Reifel Rd
Interior, SD 57750



Order No: BADL-003
Subject: Superintendent's Compendium
Date: February 1, 2011

1. Purpose: To establish needed restrictions, conditions, public use limits and /or closures.
2. References: 36 CFR 1.5
3. Policy: The attached document constitutes the Superintendent's Compendium for Badlands National Park. A copy will be available for review at each public contact station. An electronic copy will be posted on the P-Drive for public access.

Eric J. Brunnemann
Superintendent

Attachment



**National Park Service
U.S. Department of the Interior**

**Superintendent's
Compendium**
Of Designations, Closures,
Permit Requirements and Other
Restrictions Imposed Under
Discretionary Authority.

**Badlands National
Park**

Use the complete site
name here (e.g. Palo
Alto Battlefield
Historic Site).

25216 Ben Reifel Rd.
Interior, SD 57750

605-433-5361 (Phone)

605-433-5404 (Fax)

Approved:

Eric J. Brunnemann,
Superintendent.

A. INTRODUCTION

1. Superintendent's Compendium Described

The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park. The Superintendent's Compendium does not repeat regulations found in 36 CFR and other United States Code and CFR Titles, which are enforced without further elaboration at the park level.

The regulations contained in 36 CFR, Parts 1-7, are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park system, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) *Closures and Public Use Limits* provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the Superintendent to comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those

that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

A final example is 36 CFR 2.1(c) (1) *Preservation of Natural, Cultural and Archeological Resources*, which provides the Superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use or consumption. This activity can occur, however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

This Compendium should be used in conjunction with Title 36 CFR, Parts 1-7, to more fully understand the regulations governing the use and enjoyment of all the areas of the national Park System.

A copy of Title 36, CFR, can be purchased from the U.S. Government Printing Office at:

Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

The CFR is also available on the Internet at:

http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html

2. Laws and Policies Allowing the Superintendent to Develop This Compendium

The National Park Service (NPS) is granted broad statutory authority under 16 United States Code (U.S.C.) Section 1 *et seq.* (Organic Act of 1916, as amended) to "...regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (16 U.S.C. Sections 1a1-1a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating “Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States.”

16 U.S.C. Section 1c defines the National Park System as “...any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.”

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the *NPS Management Policies* (2006). The Superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of Director’s Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become impaired, than that Superintendent is obliged to place limitations on public use.

3. Consistency of This Compendium with Applicable Federal Law and Requirements

The Superintendent’s Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

The actions and requirements described in this Compendium are found to be categorically excluded from further compliance with the procedural requirements of the National Environmental Policy Act (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and as such, an Environmental Assessment will not be prepared.

4. Development of the Requirements of the Superintendent’s Compendium

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The requirements of the Superintendent’s Compendium are developed through an analysis and determination process. The decision criteria used during this

process are:

- Is there use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

5. Applicability of the Compendium

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on Federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

6. Enforcement of Compendium Requirements

NPS Law Enforcement Park Rangers enforce the requirements of the United State Code, 36 CFR, and this Superintendent's Compendium.

7. Penalties for Not Adhering to the Compendium Requirements

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at the park address found below.

8. Comments on the Compendium

The Compendium is reviewed annually and revised as necessary. The park welcomes comments about its program and activities at any time.

Written comments on the Compendium may be submitted to:

Superintendent, Badlands National Park
25216 Ben Reifel Rd.
Interior, SD 57750

9. Effective Date of the Superintendent Compendium

The Superintendent's Compendium is effective on the approval date listed on the first page of this document, and remains in effect until revised for a period up to one year.

10. Additional Information

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 *Definitions*.

11. Availability

Copies of the Compendium are available at:

Badlands National Park
25216 Ben Reifel Rd.
Interior, SD 57750

It may also be found at www.nps.gov/badl

B. SUPERINTENDENT'S COMPENDIUM

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Badlands National Park. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Part 1 – GENERAL PROVISIONS

36 CFR §1.5 Closures & Public Use Limits

- 1.5 (a) (1) The Conata Picnic Area is restricted to day-use only and shall be closed between the hours of 10:00 p.m. and 6:00 a.m. The Deer Haven trailhead (located at the Conata Picnic Area) is open to overnight parking for those individuals who have hiked into the Badlands Wilderness.

Determination: To protect the public's interest and property, this area is being restricted to day-use only, with the exception of the trailhead area for those who have embarked into the Badlands Wilderness.

Park campgrounds, sections of campgrounds, or any park operated site or facility may be closed when there is limited staffing, low visitation, and lack of funds, recovery, or weather. In addition, areas may be temporarily closed for a variety of reasons including site restoration; protection of at risk endangered or threatened animal or plant species, protection of fragile cultural, history or paleontological sites.

Determination: The Superintendent has authority to close any facility or park operated site for a range of reasons including health and life safety. Closures will be announced to the public and signs will be posted reporting the closure. Closures may include sensitive cultural, historic, or paleontological sites for protection and the development of resource management plans for long term management and protection.

Unattended parking is not allowed within the park between the hours of 10 p.m. and 6 a.m. except in designated campground grounds, or for subjects engaged in backcountry camping.

Determination: This is necessary to prevent unauthorized camping in areas not designated for camping, group gatherings in undeveloped areas, sanitation problems, vandalism and theft, and to reduce the visual impact of camping activities on day users.

- § 1.5(a), 4.10(a) Segways and non-street legal motorized scooters, as defined under 36 C.F.R. § 1.4, are motor vehicles. The Park is closed to the use of Segways and motorized scooters from all areas within the park including all park roads, trails and sidewalks.

However, any park visitor with proof of disability is permitted to use wheelchairs, motorized wheelchairs, Segways and motorized scooters within park buildings, campgrounds and picnic areas, vehicle pullouts,

adjacent sidewalks and on handicap accessible boardwalk trails including the Door/Window, fossil, prairie wind and a portion of the Cliff Shelf trail.

A person shall operate any mobility assistive device in a safe and responsible manner so as not to endanger one's self or any other park visitor.

Determination: The Park is committed to making all reasonable efforts to make its programs, facilities, and services accessible to people with disabilities. As a result, portions of the park have been opened to visitors with disability. Access is granted to only those areas normally accessed by a wheel chair.

36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

1.6 (a) Special events, weddings, foot races, bicycle races, public assemblies, meetings, certain commercial photography, sale or distribution of printed matter and any other activities of organized groups require a written permit from the Superintendent. The permit must be approved prior to the event.

(f) The following is a compilation of those activities for which a permit from the superintendent is required:

- §2.1 Preservation of natural, cultural, archeological or paleontological resources
- §2.4 Carry or possess weapons
- §2.5(a) Specimen collection
- §2.10 Camping
- §2.12 Audio Disturbances:
 - (a)(2) Operating a chain saw in developed areas
 - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
 - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.17 Aircraft & Air Delivery:
 - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
 - (c)(1) Removal of a downed aircraft
- §2.23(b) Recreation fees

- Entrance fees
 - Daily use fees for camping in developed campgrounds
- §2.37 Soliciting (Pursuant to the terms and conditions of a permit Issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives:
 - (a) Use, possess, store, transport explosives, blasting agents
 - (b) Use or possess fireworks
- §2.50(a) Conduct a sports event, pageant, regatta, public spectator Attraction, (i.e. weddings, sunrise services)
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views (First Amendment)
- §2.52(c) Sale or distribution of printer matter that is not solely commercial advertising
- §2.60(b) Livestock use
- §2.61(a) Residing on federal lands
- §2.62 Memorialization
 - Erection of monuments
 - Scattering human ashes from human cremation
- §4.11(a) Exceeding of established vehicle load, weight and size limits
- §5.1 Advertisements - (Display, posting or distribution.)
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States).
- §5.5 Commercial Photography/Filming:
 - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
 - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.10 Eating, drinking, or lodging establishments

Determination: Permit systems authorized and issued pursuant to specific regulations in this chapter, except §1.5, need not be supported by a written determination unless required by the specific authorizing regulation {48 FR 30262}.

III. GENERAL REGULATIONS

Part 2 – RESOURCE PROTECTION, PUBLIC USE AND RECREATION

36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES

2.1 (a) (4) The collection of dead and down wood within the park is strictly prohibited.

Determination: It has been determined that collection of firewood would have detrimental ecological effects on the mix grass prairie communities, diminish aesthetic values and impose direct resource impacts.

2.1 (c) (1) “Preservation of Natural Features” and “American Indian Religious Freedom Act,” the Superintendent authorizes the gathering of certain fruits, berries, nuts and plant material which may be gathered by hand for Native American religious purposes.

Appendix A lists those plants and plant products that may be collected only on the Pine Ridge Reservation portion of the Stronghold District by Native Americans for religious purposes. Any materials/products so collected must be for personal use and/or consumption and not for resale or other use.

Determination: Permits may be issued for the collection of natural products to be used in the practice of traditional Native American religion. Natural products to be harvested under terms of this section shall only be collected in keeping with the religious practices of, and those traditions rooted in the Oglala Sioux Tribe as intended by Public Law 95-341. It will also be dependent upon the type and quantity of natural products located within Badlands National Park as determined by the park's Resource Management Division.

36 CFR §2.2 - WILDLIFE PROTECTION

Except for inadvertent or casual encounters with wildlife in areas where foot traffic is required or essential, deliberately approaching on foot to harm, harass, disturb, molest, or take any wildlife species and/or nesting birds is prohibited.

Determination: The purpose of the restriction is to reduce the impact of human presence on the natural behavior of wildlife. If human activity alters wildlife behavior, it creates undue stress on the animal and conflicts with the normal processes of the ecosystem.

- §2.2 (4) (e) The Superintendent has closed all portions of the park to the viewing of wildlife with artificial lights except when conducting research with a permit. Artificial light includes spot lights and the inappropriate use of vehicle lights.

Determination: To protect wildlife in the park and to cooperate with the Oglala Lakota Tribe in controlling unrestricted hunting, the Superintendent has closed all portions of the park to artificial lights, including the use of spotlights and headlights to view wildlife. Artificial lights disturb the animals significantly by eliminating their ability to see and have long-term effects on night vision, which is critical to most for survival.

- §2.2 (4) (d) Wildlife taken outside of Badlands National Park may be transported through the park under the following conditions and procedures:
- The carcass must be tagged and in accordance with state laws; and
 - Game must be kept out of sight as much as practicable.

[Note – Title 16 United States Code §62 specifically provides that mere possession of dead animals or animal parts within Badlands National Park constitutes prima facie evidence that said animal was taken illegally within the park. The responsibility to prove that the animal was lawfully taken rests, therefore, with the hunter.]

Based upon sound wildlife management principles, the Superintendent of Badlands National Park may authorize and set big-game hunting seasons within the South Unit of Badlands National Park, which lies on the Pine Ridge Indian Reservation. This area is open to hunting by members of the Oglala Sioux Tribe with a valid Tribal hunting license with restrictions as agreed upon by both the Oglala Sioux Parks & Recreation Authority (OSPRA) and Badlands National Park. Big game shall include mule deer, white-tail deer, and pronghorn antelope.

Determination: In 1986, the Oglala Sioux Tribe passed a resolution adopting an Oglala Sioux Tribe game code to enhance, protect, and manage wildlife on the Pine Ridge Indian Reservation. Tribal members have the right to retain hunting only upon the Pine Ridge Indian Reservation sections of Badlands National Park. In concert with the OSPRA, restrictions will be set forth by the Superintendent of Badlands National Park. (Resolution is on file at the Superintendent's office.)

36 CFR §2.4 - WEAPONS, TRAPS AND NETS

A person may possess, carry, and transport concealed, loaded, and operable firearms in accordance with the laws of South Dakota except as otherwise prohibited by applicable Federal law. This authority does not extend to Federal facilities within the park (18 U.S.C. 930(a) Visitor Center, entrance stations, fire cache, maintenance facilities, office buildings and the museum.

Target practice or sighting in of weapons is prohibited.

The possession of weapons, traps or nets is prohibited within Badlands National Park. The Superintendent may issue a permit to possess a trap or net under the following circumstances:

- When a trap or net is required to perform research activities within the park.

- For employees, agents or cooperating officials in the performance of their official duties.

Park residents may possess traps and nets at their place of residence within the park. All regulations pertaining to the use, possession and transportation of those weapons from their residence still apply.

Only those employees designated to perform enforcement, police or other official duties may carry firearms while on duty and in the performance of their positions. Non-law enforcement personnel are prohibited from carrying firearms, concealed or otherwise during the performance of their duties.

Determination: These regulations exist to enhance protection efforts involving park resources, wildlife, employees and visitors.

36 CFR §2.10 – CAMPING and FOOD STORAGE

The superintendent has established the following conditions with regards to overnight camping within Badlands National Park:

- Camping is allowed within Cedar Pass and Sage Creek Campgrounds. A permit is required for overnight use at the Cedar Pass Campground. Individual campsites are available on a first-come, first-served basis and are to be occupied by no more than 6 persons, 2 tents and 2 vehicles, with the exception of permission from the campground host or rangers. Quiet hours are from 10 p.m. to 6 a.m.
- Camping fees are to be paid within 30 minutes of occupying the site. Sites for which required fees are not paid or the registration receipt is not displayed at the campsite will be considered unoccupied and available for use by other campers. Checkout time for campers is noon.
- Camping stays are limited to 14 days in any 30-day period on any area, said period to commence the date the site is occupied. All camping equipment, including vehicles, must be removed from the area at the end of the 14-day period.
- No permits are required for overnight stay in the Badlands backcountry. Campsites must be at least one-half (1/2) mile from a road or trail and cannot be visible from the any road, trail, visitor facility, or overlook.
- Camping is prohibited in parking lots, scenic overlooks, and picnic areas.
- All human and pet food must be stored in a closed hard-sided container or enclosed vehicle when not in use. Food scraps, cooking utensils, and garbage must be stored or disposed of in such a manner as to be inaccessible to wildlife.

Determination: The Superintendent has designated camping in Cedar Pass and Sage

Creek Campgrounds, as these areas are designed and managed for that use; parking lots,

picnic areas, and overlooks are closed to camping. This action has been taken to protect the

resources and lessen visitor impacts including sanitation and the visual impact of camping to day users.

36 CFR §2.11 – PICNICKING

Picnicking is prohibited within the government housing and the park headquarters area; employees and housing residents excluded.

Determination: The residential and headquarters areas are reserved for the use of employees and for official NPS functions.

36 CFR §2.12 - AUDIO DISTURBANCES

Operation of electrical generators is prohibited during the hours of 10 p.m. to 6 a.m. in developed or established campgrounds or in any location within ¼ mile of the nearest adjacent visitor. Generators must be adequately muffled and not create excessive noise.

Determination: Campers often use electrical generators to provide electricity for use at campsites that do not have electrical power supplied. By their nature, the engines on such generators produce a noise level that may be intrusive to other visitors camping in adjacent or nearby sites. When properly muffled, the generators do not produce an unreasonable noise during normal waking hours, but do produce a noise that may keep others awake during a time period when quiet hours are to be observed. Although the use of generators during this period could conceivably be addressed under §2.10(b)(4) or §2.12(a)(1), the intent here is to further address a common noise problem at sites so as to eliminate grounds for contention over interpretation of the provision of either section.

Diesel trucks and buses must stop their engines when parked in areas adjacent to park visitor centers.

Determination: The idling of bus or diesel engines adds unnecessary exhaust fumes to the air, interferes with interpretive programs and diminishes the enjoyment by visitors of the peace and tranquility of the park.

36 CFR §2.13 – FIRES

Ground fires are prohibited in Badlands National Park.

Determination: Ground fires create unsightly scars and can become a hazard if buried while still hot. Fire scars reduce the visitor's experience. Because the park contains the largest mix grass prairie ecosystem in the National Park Service, accidental wildland fires are a constant threat to park resources and facilities.

Only propane grill fires will be allowed. Charcoal fires are discouraged, but may be used within the Cedar Pass and Sage Creek Campgrounds and designated picnic areas under the following conditions:

- Users must provide a suitable charcoal burner such as a grill or hibachi.
- Any charcoal and/or ash remaining in the burner shall be completely extinguished and cold before being properly disposed of in a metal waste receptacle.
- Charcoal fires may not be built on the ground or in a pit.

Determination: Charcoal fires may be used in Cedar Pass and Sage Creek Campgrounds and designated picnic areas provided that a burner is used to hold the fire, such as a grill or hibachi, and that any remaining coals are completely extinguished prior to disposal in metal trash receptacles. Charcoal fires may not be built on the ground or in pits, nor may remaining charcoal or ashes be deposited on the ground. This determination is based on the fact that many visitors to Badlands bring only charcoal grills to prepare food in the campground. This will allow these visitors to prepare food while still protecting the park from wildfire. Charcoal fires will be allowed in developed areas only. This designation may be restricted during periods of high fire danger.

36 CFR §2.14 – SANITATION and REFUSE

2.14 (a) (2) The use of government refuse receptacles, garbage cans and dumpsters for the disposal of household, commercial, or industrial refuse, brought as such from private or municipal property is prohibited. Park residents may utilize government receptacles when occupying Park quarters.

Determination: This provision is enacted to prevent an undo fiscal burden from being placed on the park and to ensure compliance with health and sanitation regulations.

2.14 (b) In backcountry areas, human waste must be buried in a shallow hole, 100 feet or more from camps or water sources and immediately covered. All food waste, food containers, and disposable items packed into the backcountry must be packed out. Burial of these items is prohibited.

Determination: Human waste is a threat to public health. Proper disposal of such waste is required to speed the decomposition process, and reduce health hazards and visual pollution.

36 CFR §2.15 – PETS

- 2.15 (a) (1) The area designated by Congress as Wilderness and known as the Badlands Wilderness Area is closed to pets; all public use buildings are closed to pets; all areas closed to motor vehicle use are also closed to pets. Pets are permitted on established roadways and roadway corridors. For the purposes of this regulation, service animals are not considered to be pets and may be utilized by disabled users. This includes designated trails, i.e., Castle, Medicine Root, Cliff Shelf, Saddle Pass, and all prairie dog colonies.

Determination: The Superintendent has established conditions for the keeping of pets by residents of Badlands National Park. Appendix B, adopted herein, is to protect government property, visitors, residents, pets, and park resources. Pets will not be permitted in portions of Badlands National Park where prairie dog colonies exist, on nature trails, or in areas where vehicles are prohibited. Pets must be leashed at all time. Pets which are allowed to run loose, have the potential to escape and could adversely affect native wildlife or become established as feral animals. For the purposes of this determination, service animals are not considered pets and may be utilized on nature trails, but not within the prairie dog colonies due to potential infectious wildlife diseases, which is also the reason for prohibiting pets off established roadways and road corridors. Areas such as Cliff Shelf and Doors and Windows are highly congested areas during the summer months. Some dogs and strangers do not mix well; thus, it would be inviting “dog bites.”

- 2.15 (a) (3) Pets may be left unattended within motor vehicles with proper ventilation and water and in weather that is not hazardous to the welfare of the animal. Pets may not be left tied to fixed objects or vehicles and left unattended.

Determination: Unattended pets secured to fix items could present a danger to other visitors and passerby's, and may become entangled by the restraint and endanger themselves.

- 2.15 (a) (5) Pet excrement shall be removed by the pet owner/handler from all public use areas.

- 2.15(e) Park Residents are allowed to keep pets under the conditions established in Badlands Office Order #008, incorporated herein as Appendix B. Noisy pets are not allowed in the park. Pet owners are responsible for removing the pets from the park if complaints are made.

36 CFR §2.16 – HORSES and PACK ANIMALS

For the purposes of this regulation, pack animals are considered to be horses, burros, mules, ponies, and llamas.

With the exception of the following areas, the entire park is open for recreational use of horses and pack animals. Areas closed to said recreation include –

- Cedar Pass developed area (all areas east of Highway 240; north of the campground and west of the employee housing area - including the Ben Reifel Visitor Center, Cedar Pass Lodge, and Cedar Pass Campground)
- Sage Creek Campground (excluding horse group area)
- Pinnacles ranger station and service buildings, residence, and fee management offices
- The White River Visitor Center compound (including the ranger station and housing area).
- All established park trails and overlooks.
- Other areas designated by the Superintendent.

When using horses and pack animals, the following restrictions or conditions are to be complied with:

- Only certified weed-free hay or processed horse feed products may be brought into the park.
- Horses and pack animals are not allowed to run loose, be loose-herded, or trailed.
- The tying of horses and pack animals to any living or dead feature that causes damage to the feature, vegetation, or soil is prohibited.
- Picketed horses and pack animals shall not be kept within one hundred (100) feet of trails, campsites, or water sources.
- Picket pins may be made from dead and downed wood or packed in. Picket-pin sites shall be moved frequently to prevent over-grazing or other damage to vegetation, and the pins shall be pulled from the ground before leaving the campsite.
- Horse and pack animal manure in meadows or other grazing areas shall be scattered and shall be completely removed from within the camp core.
- If a horse or pack animal is lost or dies within park boundaries, the loss shall be reported as soon as possible to a park ranger.
- Stock will be allowed to graze forage, so long as the animals are at least one-half mile from roads, campgrounds, and designated trails.

Determination: Horse use is a traditional and appropriate use of Badlands National Park, it is the intent of the NPS to apply only those conditions required to protect visitors and park resources. Allowing horses to run loose or to be loose-herded has the potential for other visitors to be injured or for the stock to escape. The feeding of processed feed and certified

weed-free hay and/or grazing one-half mile from public use areas are practiced to prevent the introduction of non-native species into the prairie ecosystem. These conditions do not apply to persons who have valid Bureau of Indian Affairs or Tribal leases to graze stock in the Stronghold District of Badlands National Park and who are actively and legally exercising those leases.

36 CFR §2.17 – AIRCRAFT and AIR DELIVERY

- 2.17 (c) (1) Arrangements for the removal of downed aircraft will be made pursuant with the recommendations of the National Traffic Safety Board or the Federal Aviation Administration investigators or designated personnel.

36 CFR §2.18 – SNOWMOBILES

- 2.18 (a) There are no designated routes for snowmobiling within Badlands National Park.

Determination: Badlands National Park normally does not get enough snow to allow for safe snowmobiling. The park also does not allow off-road travel.

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

- 2.20 Skateboarding, or the use of similar devices, is prohibited except in the government housing area by park employees, or their families. The use of skateboards on park mobility ramps, over stairs, or at government offices is strictly prohibited.

Determination: The residential area for park employees provides the principle areas for play and activity by children and residents. Skating and using skateboards are activities one

can expect children and adults to enjoy. These areas do not have any conflicting uses involving visitor recreation and are areas in which traffic hazards are minimized.

36 CFR §2.21 – SMOKING

- 2.21 (a) All government owned or administered buildings, and vehicles, with the exception of the following, are considered non-smoking:
- Government furnished quarters for permanent employees.
 - Government furnished quarters for temporary employees that do not share an air intake/discharge system.
 - Guest cabins at the Cedar Pass Lodge which is not designated as non-smoking.

The Superintendent has designated areas closed to smoking in Office Order #024, which is incorporated herein as Appendix C.

Determination: These restrictions are modeled on the guidelines and restrictions that the General Services Administration (GSA) has placed on all GSA-owned or administered facilities. The purpose is to provide for the protection of our employees' health while allowing reasonable accommodations and smoking areas for those employees who choose to smoke. The primary considerations for restricting smoking in visitor use areas are public and fire safety.

36 CFR §2.23 - RECREATION FEES

Recreation fees, and/or permits, in accordance with 36 CFR parts 71, are established for the following entrance fee areas, and or for the use of the following specialized sites or facilities:

- See Attachment F for a list of recreational and entrance fees
- The payment of entrance fees will be waived on "Fee Free Day", also known as National Public Lands Day.

36 CFR §2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

- 2.35 (a) (3) (i) The area known as the South Unit of Badlands National Park, which is located within the Pine Ridge Indian Reservation, is closed to the possession or

consumption of alcoholic beverages. Tribal law closes the Pine Ridge Indian Reservation to alcohol use and possession. This restriction provides consistency with Tribal law.

Determination: The purpose of the closure is to maintain consistency with Oglala Sioux Tribal Law (§88.1) which bans possession and/or consumption of alcoholic beverages on the Pine Ridge Indian Reservation.

36 CFR §2.38 – EXPLOSIVES

2.38 The possession of and/or use of fireworks, firecrackers or black powder or explosives in the Monument is prohibited except under terms of a written permit from the superintendent.

Determination: This regulation is enacted to ensure the protection of park resources, reduce the threat and danger of wildland fires, and to increase visitor safety.

36 CFR §2.50 (a) - SPECIAL EVENTS AND FILMING

2.50(a) Permits for special events will only be issued pursuant to standards established in Directors Order and Reference Manual 53 (Special Park Uses) and 36 CFR. All permit requests must be submitted to the Superintendent at least 72 hours prior to the planned event. See BADL Office Order #44 Filming and Photography Permits for details.

Determination: These regulations are enacted to ensure the protection of park resources, prevent interference with park programs or activities and reduce conflicts with other visitors.

36 CFR §2.51 - PUBLIC ASSEMBLIES AND MEETINGS

Public assemblies, meetings, gatherings, demonstrations and other public expressions of views will be allowed if a permit has been issued in accordance with 36 CFR 2.51 and at locations designated to balance the legitimate needs of persons to express their views and the needs of Park visitors to enjoy the Park and its resources. Distribution or the sale of printed matter by 25 or fewer persons may be conducted without a permit (Boardley v. DOI, 2010). Written applications for permits must be submitted to the Superintendent at least 72 hours prior to the date desired for the event. The activity must not conflict with any scheduled NPS function or program.

Permits for public assemblies, meetings, gatherings, demonstrations and other public expressions of views may be requested for all areas of Badlands National Park with the exception of the following:

- All roadways,
- Inside all buildings, and along walkways to public buildings
- Areas closed to the general public,
- Administrative areas including the Park Headquarters and the Cedar Pass Campground.

Within these administrative areas permits may be requested for the following two areas only, see Appendix D:

- Grass walkway between the Cedar Pass Lodge and the Ben Reifel Visitor Center
- Grass island between the Ben Reifel Visitor Center and Hwy 240

Determination: The areas provided should not unreasonably interfere with visitor service, and should provide substantial public recognition for any public assembly activity.

36 CFR §2.52 - SALE OR DISTRIBUTION OF PRINTED MATTER

A permit must be obtained from the Superintendent for the sale or distribution of any printed material. The sale of printed matter by 25 or fewer persons may be conducted without a permit (Boardley v. DOI, 2010). Location of such sale or distribution will be limited to those areas allowed by the superintendent.

Determination: Permits of this type are necessary to control the sale or distribution of printed matter since such activity may conflict with the overall safety and enjoyment of the Park by the majority of its visitors.

36 CFR §2.60 – LIVESTOCK USE AND AGRICULTURE

The herding, driving, allowing on, pasturing, or grazing of livestock of any kind in the park is prohibited. Under special conditions, a permit may be issued by the Superintendent if said activity is authorized by Federal statutory law, required under a reservation of use, or designated as an integral part of a park recreational activity or required to maintain a historic scene.

Determination: These regulations are enacted to ensure the protection of park resources, prevent interference with park programs or activities and reduce conflicts with other visitors.

36 CFR §2.62 - MEMORIALIZATION

2.62 (b) The scattering of cremated human remains, is prohibited except pursuant to the terms and conditions of a permit. The following restrictions or conditions are to be complied with:

- The remains to be scattered must have been processed by pulverization after cremation.
- The scattering of remains by persons on the ground is to be performed at least 100 yards from any trail, road, overlook, or facility.
- The scattering of remains from the air is to be performed at a minimum altitude of 2,000 feet above ground level. Remains cannot be scattered over developed areas, or park facilities.
- No markers or memorials are permitted.
- Containers shall be removed from the area.
- Except for authorization to disperse human remains by scattering, nothing in this permit shall be construed as authorizing an entry or activity otherwise prohibited or restricted by law or regulation.

Determination: A permit must be obtained from the Superintendent prior to dispersal of any remains. Other conditions may apply.

PART 3 – BOATING AND WATER USE ACTIVITIES

This section is not applicable

PART 4 – VEHICLE AND TRAFFIC SAFETY

36 CFR §4.11 – LOAD, WEIGHT AND SIZE LIMITS

The operation of any tractor/trailer within the park is strictly prohibited. Tractor/trailer operators wishing to visit the park may leave their trailer outside the park and bring the tractor portion through the park for a recreational visit. This section does not apply to tractor/trailers making deliveries to the park or the surrounding communities and farms, or agricultural transportation vehicles or farming implements needing to travel across the park in support of local businesses, ranches and farms. See Appendix G for additional.

Determination: This provision is enacted for the safety of visitors and the protection of the road surface.

36 CFR §4.13 – OBSTRUCTING TRAFFIC

4.13 (a) Slow-moving vehicles, i.e. vehicles traveling at speeds below the posted speed limit, or any vehicles that is followed by four or more vehicles, shall turn off the main roadway at the next safe turnout, allowing the following vehicles behind to safely pass and proceed at or near the posted speed limit.

Determination: The purpose of this regulation is to provide the traveling public with a reasonable expectation for safety without creating undue delays in traffic.

36 CFR §4.21 – SPEED LIMITS

- 4.21 (b) The Superintendent may designate a different speed limit upon any park road when a speed limit set forth in paragraph (a) of this section is determined to be unreasonable, unsafe, or inconsistent with the purposes for which the park area was established. Speed limits shall be posted by using standard traffic control devices.
- Due to steep grades, narrow lane widths, minimal unimproved shoulders, extensive curving, and traffic density, the speed limits set forth in §4.21(a) have been determined to be unreasonable and unsafe for the purposes for which the park area was established. Therefore, the Superintendent has designated the adoption of speed limits established on park roadways by the South Dakota Department of Transportation using the industry standards of: 1) 85th percentile speed study results for highway speed limits, and 2) ball bank testing for speed advisories on curves.
- A. Badlands Loop Road (Highway 240) is 45 mph except in the following areas:
1. The following areas on Highway 240 are posted 25 mph -
 - Northeast Entrance Station
 - Pinnacles Entrance Station
 - Big Badlands Overlook
 - Cedar Pass Visitor Center
 2. The following areas on Highway 240 are posted 35 mph –
 - From Doors and Windows to the bottom of Cedar Pass Hill
 - From Conata Road to just prior to the Pinnacles Entrance Station
- B. All of the following roads or routes are posted 35 mph
- | | |
|---------------------------|---------------------------|
| • Conata Road | Sage Creek Rim Road |
| • Bigfoot Road | Sheep Mountain Table Road |
| • Old Interior Road | Old Northeast Road |
| • Cedar Pass Service Road | Highway 377 |
- C. Other areas:
- Government residential area (10 mph)

Determination: With the exception of the residential area, these speed limits are traditional speeds on the respective roads and do not represent a change from past signing. All roadways are presently signed for these speeds. Differing speed limits are used in deceleration zones, in areas with congested motor vehicle and pedestrian traffic, in areas

where children may be playing, and where road surface, character, or design do not allow for a faster, safer speed.

36 CFR §4.30 – BICYCLES

- 4.30 (a) The operation of bicycles is permitted on all public roadways within the Park. Bicycles are prohibited on trails, walkways, and routes closed to public vehicular traffic. Bicycles are required to follow the same laws and regulations that apply to the safe operation of motor vehicles as required in both 36 CFR 4.30 (c) and South Dakota State Law

Determination: This provision is enacted for the safety of visitors, lesson visitor impacts, and for the protection of park resources.

36 CFR §4.31 – HITCHHIKING

Hitchhiking, or the soliciting of transportation, is permitted within the Park provided that the person does not stand in a roadway and that the hitchhiking/solicitation do not adversely affect visitor safety or the normal flow of traffic.

Determination: Hitchhiking is commonly engaged in by persons who have been hiking and need transportation back to their starting point, or by persons who are traveling without a personal vehicle, or whose vehicle is inoperative.

PART 5 – COMMERCIAL AND PRIVATE OPERATIONS

36 CFR §5.5 Commercial Photography

A permit is required for all commercial photography events. All permit requests must be submitted to the Superintendent at least 72 hours prior to the planned event.

- A. A permit is required for any motion picture or television filming which involves the use of professional casts, settings, or crews, by any person other than bona fide newsreel or news television personnel.
- B. A permit is required for still photography when the action involves photographing any vehicle, or other articles of commerce or models for the purpose of commercial advertising.

See BADL Office Order #44 Filming and Photography Permits for details.

Determination: These regulations are enacted to ensure the protection of park resources, prevent interference with park programs or activities and reduce conflicts with other visitors.

36 CFR §5.13 (a) Nuisances (Excessive Idling)

Allowing commercial vehicles to idle their engines while legally parked off the primary roadways is prohibited, except when loading or unloading passengers or performing an engine warm-up. Loading or unloading passengers or engine warm-up idling is limited to a period not to exceed 10 minutes.

Determination: The purpose of the restriction is to reduce noise and air pollution and to reduce fuel consumption.

APPENDIX A
GATHERING OF PLANTS AND PLANT PRODUCTS BY NATIVE AMERICANS

This list of products that may be collected by Native Americans solely for religious purposes under 36 CFR §2.1 (c) (1) will be developed in consultation with the Oglala Lakota, the Gray Eagles, Oglala Sioux Parks & Recreation Authority (OSPRA), Resource Management, and Resource Education.

APPENDIX B - BADLANDS NATIONAL PARK PET POLICY

Order No: BADL-008

Subject: Pet Policy

Date: February 1, 1998 (Rev.)

1. Purpose: Establish a fair and responsible pet policy for Badlands National Park.
2. References: 36 CFR, BADL Quarters Management Plan
3. Policy:
 - a. Paragraph (e) of Section 2.15 of 36 CFR addresses pets kept by residents of park areas. Pets are not allowed to roam freely at any time. This section is enclosed for your information.
 - b. Only two traditionally domestic animals (i.e., dogs or cats) shall be owned or kept in any housing unit. Snakes, other reptiles, fish and rodents not native to the park may be kept as pets, but must be in terrariums or otherwise continually confined.
 - c. Pets shall be cared for in accordance with all applicable Federal, State and county laws.
 - d. No enclosure or other structure may be installed for the keeping of pets without the approval of the Superintendent.
 - e. The raising of pets as a business shall not be permitted.
 - f. Owners of pets shall be responsible for the repair of any damage and the cleanup of the premises. Owners shall not permit their pets to become a nuisance or a menace to others living or working within the park.
 - g. Employees shall not be permitted to board horses, burros, or mules on Federal lands within the park except at commercially operated stables.
 - h. In accordance with the Quarters Management Plan, no pets will be allowed in the seasonal apartments. Those apartment units, when assigned to permanent park staff, are exempt from this section.
 - i. This policy applies to park, concessioner, and contractor employees.

Superintendent

APPENDIX C – BADLANDS NATIONAL PARK SMOKING POLICY

Order No.: BADL-024

Subject: Establishing Smoke-Free Areas

Date: May 29, 1998

1. **Purpose:** To maintain healthy and safe residences, work places, and public use areas while recognizing the rights and needs of smokers and non-smokers.
2. **References:** 36 CFR 2.21, 310 DM 11, Appendix "C" Superintendent's Compendium.
3. **Policy:** The following smoking/no smoking areas are hereby established. Non-smoking areas shall be adequately signed. Ashtrays should be provided at the entrance to public non-smoking areas. All employees are encouraged to exercise common courtesy in dealing with smoking issues.

Government quarters: Smoking is permitted in single-family residences if the occupants choose to permit it. Smoking is permitted only in dormitory apartments that do not share an intake/discharge system (Apartments 45 A&B, 45 C&D, 51 A&B, 51 C&D, 52 A&B, 52 C&D, and 135).

Visitor centers and ranger stations (Ben Reifel, Cedar Pass, Pinnacles, and White River): No smoking allowed in buildings, restrooms, or enclosed garages. An employee who smokes may take periodic smoking breaks outside or in designated smoking areas with the concurrence of his/her supervisor. Adequate disposal containers are to be utilized.

Public restrooms (campgrounds, picnic areas, and visitor facilities): No smoking.

Cedar Pass Lodge: No smoking is permitted in the main Lodge building, including offices, dining and kitchen area, and merchandising area. All cabins have been designated as non-smoking.

Entrance stations and campground kiosk: No smoking.

Fee collection offices and remit areas: No smoking.

Maintenance shops and break room:

Smoking is not allowed in the work bays and storage areas.

Smoking is not permitted in the break room at any time.

Smoking is not permitted in the R&T or B&U Supervisors' offices.

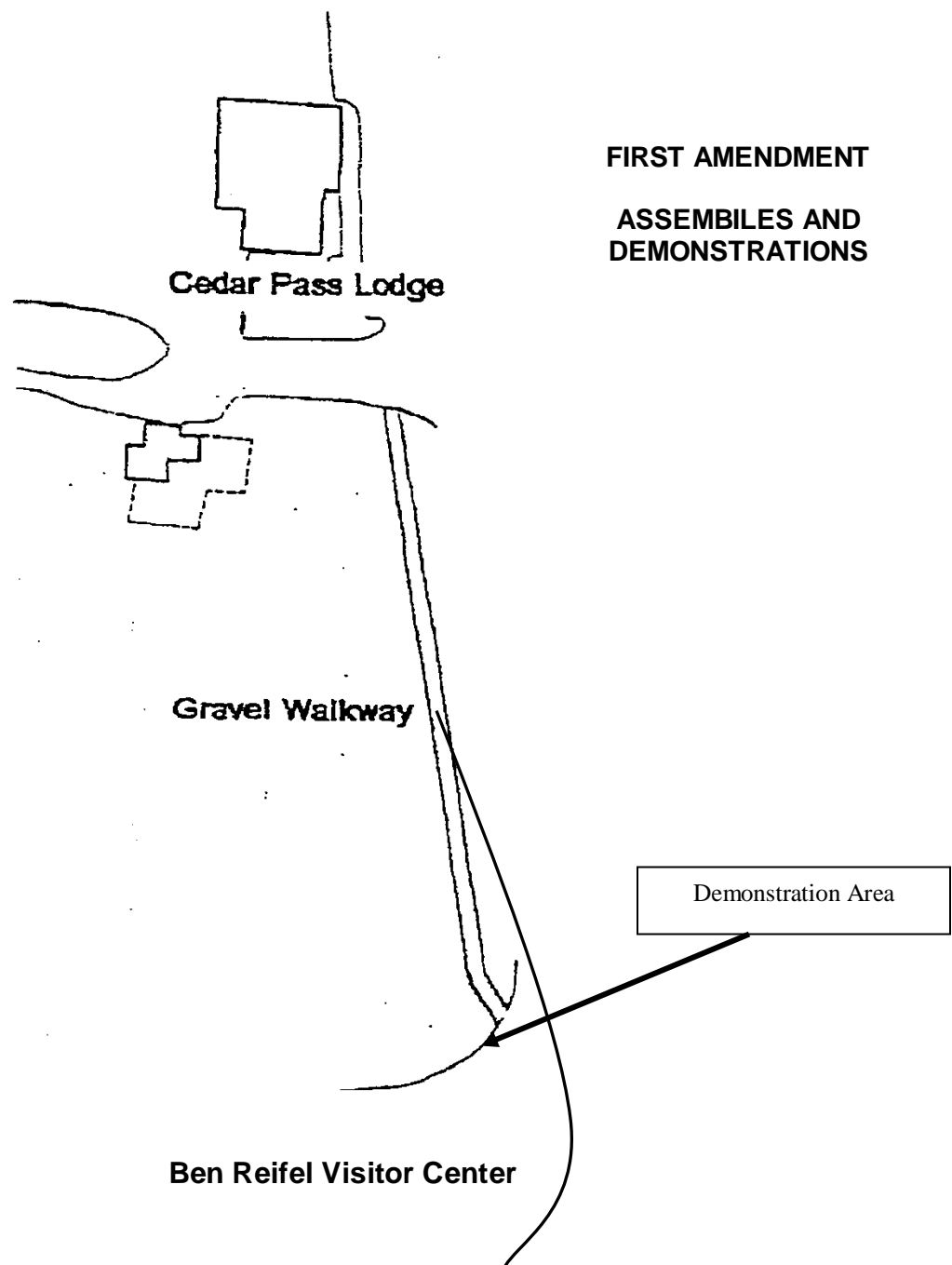
When a shop facility is utilized for a social function, smoking may be permitted for the duration of the event, if the garage bay doors remain open.

Air quality shed/Fire Cashes/Government Vehicles: No smoking.

APPENDIX D

**SITE MAPS FOR
RIGHTS,
PUBLIC**

**FIRST AMENDMENT
ASSEMBLES AND
DEMONSTRATIONS**



APPENDIX E - FEDERAL FACILITIES ALCOHOL REQUEST

EXAMPLE

March 16, 2011

A9029 (BADL)

Memorandum

To: Superintendent, Badlands National Park

From: Badlands Employees Association

Subject: Request for permission to allow alcoholic beverages on government grounds

We would like to hold a welcome back get together for the seasonals. This party will be held in the commons area, by the volleyball court on June 10th starting at 5:00pm. I hereby request permission to allow consumption of alcoholic beverages on government grounds after work hours in association with this event. The area will be cleaned up after the get together.

Approved:

Superintendent

Date

cc:
Central Files

APPENDIX F – RECREATIONAL FEES

ENTRANCE FEES BADLANDS NATIONAL PARK 2009

Per Vehicle Entry Private Non-Commercial Vehicle	7 Days	\$15.00	
Motorcycle Flat fee	7 Days	\$10.00	
Per Person Entry Bicycle, Non-Commercial Bus Passenger	7 Days	\$7.00	
Badlands Park Pass Unlimited entry to Badlands NP	1 Year	\$30.00	
Interagency Annual Pass Valid for entrance to designated federal fee areas	1 Year	\$80.00	
Interagency Senior Pass 62 & Over US Citizen Valid for entrance to designated federal fee areas & half price on camping	Lifetime	\$10.00	
Interagency Access Pass Permanently Disabled US Citizen Valid for entrance to designated federal fee areas & half price on camping	Lifetime	FREE	
Commercial Tour Based On Seating Capacity	Sedan \$25 * (1-6)	Van \$50 (7-15)	Mini-Bus \$60 (16-25)
			Motorcoach \$150 (26 & up)
	* plus \$7 per person for SEDAN ONLY		

APPENDIX F – RECREATION FEES (Continued)

CAMPING FEES

Cedar Pass Campground:

Summer - \$15 per night; 14-day maximum stay. No reservations for tent or RV sites. Reservations required for group campsites, \$3.00 per person, minimum 10 people. Water, flush toilets, shaded tables, trash containers. Dump station fee \$1.00. NO CAMPFIRES.

Winter - \$7.50 per night. Water, pit toilets, tables, trash containers.

Sage Creek Primitive Campground:

Free; 14-day maximum stay, no reservations.

APPENDIX G – COMMUTER TRAFFIC FEE WAIVER POLICY

Order No: BADL-29

Subject: Commercial and Commuter Traffic Fee Waiver Policy

Date: February 1, 2011

1. Purpose: Establish the policy for local commercial and non-recreational vehicle use of park roads for Badlands National Park.
2. References: 36 CFR Section 7.23 and Section 71.13
3. Policy: All recreational visits are subject to an entrance fee. The Badlands Loop Road between Cedar Pass Lodge and Pinnacles Entrance was originally built as a way for visitors to view and experience Badlands National Park from their vehicles. Without the creation of this road, Congress would not have designated the Badlands area a National Monument. This Loop Road and the Sage Creek Rim Road exist for recreational use for the enjoyment of the visitor of Badlands National Park and any travel on these roads will be considered recreational in nature and is subject to the entrance fee. Travel on any of the other park roads will be considered recreational in nature with the following exceptions:
 - A. COMMERCIAL VEHICLES: In accordance with 36 CFR Section 5.6(b), all commercial vehicles are prohibited from use of government roads within park areas when such use is in no way connected with the operation of the park area, except that in emergencies the Superintendent may grant permission to use park roads. The following exception for local commercial vehicles is provided in accordance with 36 CFR Section 7.23; any commercial vehicle (except unpermitted vehicles that are oversized, overweight, or carrying any hazardous substance) may use the park road between the Northeast and Interior Entrances that originate from, or are destined to the following U. S. Postal Service ZIP code areas:

Allen—57714
Belvidere—57521
Cottonwood/Quinn—57775
Creighton—57729
Interior—57750
Kadoka—57543
Kyle—57752

LongValley—57547
Owanka—57767
Philip—57567
Scenic—57780
Wall—57790
Wanblee—57577
Wasta—57791

In accordance with 36 CFR Section 5.6(c), the Superintendent may issue a permit for commercial vehicles used on park area roads when such use is necessary for access to private lands situated within or adjacent to the Park,

to which access is otherwise not available. The permit will be issued by the Resource Protection Division with the Superintendent's approval.

B. NON-RECREATIONAL VISITS: As allowed by 36 CFR Section 71.13, private noncommercial vehicles that travel the park roads between Northeast and Interior Entrances or between Pinnacles and Conata Entrances (when the Interior and/or Conata fee booths are staffed) will be allowed non-recreational travel through the park in the following manner:

- a. Local commuter vehicle traffic originating from or destined to the above ZIP code areas is considered non-recreational access and will not be charged a fee.
- b. Oglala Sioux Tribal members will be considered non-recreational visitors on presentation of a valid tribal identification card.*
- c. Non-local commuter vehicle traffic (e.g., between Interior and I-90) will be issued an entrance permit at the entrance station and will be reimbursed at the opposite entrance station if they arrive within the allowed timeframe for traveling the commuter route through the park.

*Note: This is being done for two reasons. The first is in recognition of the fact that ½ of the park is on tribal land – for which no entrance fee is charged to non tribal members. The second is a history of difficulty by fee collectors in appropriately determining the reason for a tribal member's entrance, and hence whether it is recreational or non-recreational. The latter is often caused in part by differences in cultural/communication styles.

Eric J. Brunnemann
Superintendent

